

## Message Text

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ACTION DLOS-06

INFO OCT-01 NEA-10 ISO-00 OIC-04 CIAE-00 DODE-00 PM-07

H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01

SP-03 SS-20 USIA-15 CG-00 CEQ-02 COA-02 COME-00 EB-11

EPA-04 IO-14 NSF-04 SCI-06 FEA-02 ACDA-19 AEC-11

AGR-20 DOTE-00 FMC-04 INT-08 JUSE-00 OMB-01 DRC-01

/204 W

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R 180315Z APR 74

FM AMEMBASSY DACCA

TO SECSTATE WASHDC 2762

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E.O. 11652: N/A

TAGS: PBOR, BG

SUBJ: LOS: PRELIMINARY ATTITUDES OF BANGLADESH

REF: A. STATE 67032; B. STATE 36434; C. A-1837

SUMMARY: ACTING LEGAL ADVISOR OF THE MINISTRY OF FOREIGN AFFAIRS, IN CHARGE OF LOS MATTERS FOR BDG, IS RECEPITIVE TO RECEIVING NOT ONLY US DRAFT LOS PROPOSALS BUT ANY TECHNICAL BACKGROUND MATERIAL THAT WE CAN PROVIDE. BDG SUPPOSEDLY HAS NOT TAKEN FIRM POSITIONS ON MOST LOS ISSUES. ITS PRINCIPAL INTEREST IS IN THE ECONOMIC RESOURCE AREA CONCEPT AND IN FISHERIES, WHICH IT APPEARS TO BE TREATING AS ONE SUBJECT. RECENTLY PASSED LEGISLATION, HOWEVER, GIVES BDG THE RIGHT TO ESTABLISH NOT ONLY AN ECONOMIC ZONE OFFSHORE BEYOND THE TERRITORIAL SEA BUT ALSO A CONSERVATION ZONE AND CONTROLS OVER MARINE POLLUTION AND ACTIVITIES ON THE CONTINENTAL SHELF. BDG HOPES TO ESTABLISH THE LIMITS OF THE ECONOMIC ZONE WITHIN THE MONTH. ON OTHER ISSUES, BDG GAVE INITIAL IMPRESSION OF WANTING TO AVOID TAKING SIDES. END SUMMARY.

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1. EMBASSY OFFICER MADE INITIAL CALL UPON HARUNUR RASHID, ACTING LEGAL ADVISOR, MIN OF FOREIGN AFFAIRS, WHO RECENTLY RETURNED FROM MONTH ABROAD ATTENDING INTERNATIONAL CONFERENCES. RASHID IS HANDLING ALL BDG LOS MATTERS, WITH INTERNAL ASSISTANCE FROM MINISTRIES OF FISHERIES AND WILDLIFE, OF NATURAL RESOURCES, AND OF DEFENSE. RASHID IMPLIED, HOWEVER, THAT OTHER MINISTRIES WERE OF LIMITED VALUE TO HIM AND IN FACT LOOKED TO MFA FOR GUIDANCE ON LOS MATTERS. RASHID WAS EAGER TO HAVE USG POSITION PAPERS, SAYING THAT CANADIANS AND OTHERS WERE ALSO TALKING WITH HIM REGARDING LOS. RASHID, WHO APPEARED COGNIZANT OF LOS PROCEDURAL PROBLEMS BUT LESS SURE OF THE COMPLEX TECHNICAL ISSUES, ASKED IMMEDIATELY IF ONE OF THE USG VISITING TEAMS WAS SCHEDULED FOR THIS AREA. INFORMED THAT NO VISIT WAS PLANNED PRESENTLY FOR DACCA, HE IMPLIED THAT SUCH A VISIT WOULD BE WELCOME. CONFIDING THAT HE FOUND BDG'S TECHNICAL EXPERTISE WANTING, RASHID SAID THAT HE WOULD BE GRATEFUL FOR ANY BACKGROUND MATERIAL WE COULD SUPPLY, PARTICULARLY ON THE GEOLOGICAL STRUCTURES OF THE BAY OF BENGAL AND THE SPECIES AND PATTERNS OF FISHERIES IN THE AREA.  
(BY SEPTEL, WE ARE REQUESTING SUCH ASSISTANCE FROM THE GEOGRAPHER'S OFFICE.)

2. ATTITUDES TOWARD LOS. RASHID, WHO ATTENDED A GENEVA MEETING OF THE GROUP OF 77, FOUND THE ATTITUDE THERE TOWARD THE CARACAS CONFERENCE PESSIMISTIC. BECAUSE OF THE COMPLEXITY AND CONTROVERSIALITY OF THE LOS ISSUES, THE PREVAILING VIEW WAS THAT NOTHING WOULD BE ACCOMPLISHED AT CARACAS EXCEPT FOR DELEGATES "SHOUTING AT EACH OTHER." SIGNIFICANT PROGRESS PROBABLY WOULD NOT COME BEFORE THE VIENNA SESSION IN 1975. APPRISED OF USG CONCERN OVER THIS ATTITUDE (PER REFTEL A), RASHID AGREED THAT BDG TOO WANTED TO SEE SOLUTIONS ARRIVED AT AS SOON AS POSSIBLE AND THAT A POSITIVE APPROACH WAS NECESSARY; HE DID NOT EXPRESS OPTIMISM, HOWEVER.

3. BDG MAJOR CONCERN. RASHID SAID THAT BANGLADESH WAS A SMALL COUNTRY WITH LIMITED INTEREST IN MOST OF THE LOS ISSUES AND WAS MOST CONCERNED ABOUT ESTABLISHING AN ECONOMIC ZONE OFFSHORE. BDG IN FEBRUARY PASSED TERRITORIAL WATERS LEGISLATION WHICH PROVIDES THAT BDG MAY BY NOTIFICATION IN THE OFFICIAL GAZETTE "DECLARE ANY ZONE OF THE HIGH SEAS ADJACENT TO THE TERRITORIAL WATERS TO BE THE ECONOMIC ZONE OF BANGLADESH, SPECIFYING THEREIN THE LIMITS LIMITED OFFICIAL USE

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OF SUCH ZONE." RASHID SAID THAT BDG WOULD DETERMINE IN ABOUT A MONTH THE EXTENT OF SUCH A ZONE TO BE CLAIMED; PRESENTLY IT WAS CONSIDERING 200 MILES, OR 188 OUTSIDE THE TERRITORIAL WATERS OF 12 MILES. ACCORDING TO THE LEGISLATION, "ALL NATURAL RESOURCES WITHIN THE ECONOMIC ZONE, BOTH LIVING AND NONLIVING, ON OR UNDER THE SEABED AND SUBSOIL OR ON THE WATER SURFACE OR WITHIN THE WATER COLUMN SHALL VEST EXCLUSIVELY IN THE REPUBLIC." ONLY EXEMPTION FROM ECONOMIC ZONE REGULATION ARE CITIZENS OF BANGLADESH

WHO FISH WITH VESSELS THAT ARE NOT MECHANICALLY PROPELLED. EMBASSY OFFICER BRIEFLY OUTLINED USG POSITION ON ECONOMIC AREA CONCEPT, BUT BECAUSE BDG APPEARS TO BE TREATING SEABED AND FISHERIES RESOURCES TOGETHER, DEFERRED DETAILED DISCUSSION UNTIL RECEIPT OF USG FISHERIES PROPOSALS AND INSTRUCTIONS.

4. ALTHOUGH RASHID INSISTED THAT BDG LAW ON ECONOMIC ZONE WOULD NOT INTERFERE WITH TRADITIONAL FREEDOMS OF HIGH SEAS, THE TERRITORIAL SEA AND MARITIME ZONES LEGISLATMON WOULD PERMIT BDG, IF IT WISHES, TO DECLARE EXTENSIVE JURISDICTION OFFSHORE. THE LAW ESTABLISHES TERRITORIAL WATERS (12 MILES ACCORDING TO RASHID), A SIX-MILE CONTIGUOUS ZONE, THE ECONOMIC ZONE, A CONSERVATION ZONE OF UNSPECIFIED WIDTH, AND A CONTINENTAL SHELF UP TO THE OUTER LIMITS OF THE CONTINENTAL MARGIN. BDG MAY ALSO TAKE APPROPRIATE MEASURES TO CONTROL MARINE POLLUTION AND PRESERVE MARINE ENVIRONMENT IN HIGH SEAS ADJACENT TO TERRITORIAL WATERS. MOREOVER, BDG MAY MAKE RULES "FOR THE REGULATION OF THE CONAZ CT OF ANY PERSON" IN THE TERRITORIAL WATERS, THE SHELF, AND THE VARIOUS ZONES, IN ORDER TO CARRY OUT THE PURPOSES OF THE LEGISLATION. COPY OF LEGISLATION IS BEING AIR POUCHED.

5. RULES OF PROCEDURE. ON THE ISSUE OF THE USG AMENDMENTS TO THE RULES OF PROCEDURE (REF B), RASHID SAID THAT THE BEST WAY TO REACH LOS DECISIONS WAS BY CONSENSUS. IF THIS WERE NOT POSSIBLE, HE THOUGHT THAT REQUIRING A TWO-THIRDS MAJORITY OF THOSE PRESENT AND VOTING WAS REASONABLE. HE APPEARED TO LEAN TOWARD WHAT HE DESCRIBED AS THE BRITISH PROPOSAL THAT ISSUES UNRESOLVABLE BY CONSENSUS SHOULD BE DECIDED IN THE GENERAL COMMITTEE BY TWO-THIRDS PRESENT AND VOTING. HIS RESERVATION REGARDING A TWO-THIRDS VOTE BY SESSION PARTICIPANTS WAS THE FEAR THAT DELEGATES COULD FRUSTRATE A DECISION BY NOT APPEARING FOR A VOTE. DELEGATES, HE SAID, SHOULD "HAVE THE COURAGE TO STAND UP AND BE COUNTED: YES, NO, OR ABSTAIN." HE AGREED TO STUDY THE AMENDMENTS FURTHER.

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6. PROVISIONAL LOS (REF C). BDG, WHILE IT HAD GIVEN NO THOUGHT PREVIOUSLY TO SUCH A POSSIBILITY, DOES NOT HAVE ANY CONSTITUTIONAL OR LEGAL BARS TO PROVISIONAL IMPLEMENTATION OF A LOS. THE BDG RATIFICATION PROCESS IS AN EXECUTIVE ONE, WITH SUBMITTAL TO THE PARLIAMENT LEFT TO THE DISCRETION OF THE CABINET.

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## Message Attributes

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